

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SUZANNE ALIPOURIAN-FRASCOGNA,  
Plaintiff,  
-against-  
ETIHAD AIRWAYS, PJSC,  
Defendants.

1:23-mc-00018 (JLR)

**ORDER**

JENNIFER L. ROCHON, United States District Judge:

The Court has received Etihad Airways, PJSC (“Movant”)’s motion to compel (“Motion”) non-party Amna Ali Khan a/k/a Erin Khan (“Khan”) to comply with a subpoena issued in connection with an action pending in the Northern District of Illinois. *See* ECF Nos. 1-3. Despite initiating this action against Khan, Movant has identified itself as “Defendant” and identified Suzanne Alipourian-Frascogna (“Alipourian-Frascogna”), who is the plaintiff in the underlying action in the Northern District of Illinois, as “Plaintiff” here. Alipourian-Frascogna has not yet appeared. The docket does not reflect that Movant has served its motion papers on Khan.

IT IS HEREBY ORDERED that the Motion is DENIED without prejudice to renewal in compliance with the Federal Rules of Civil Procedure, the Local Civil Rules of the Southern District of New York, and this Court’s Individual Rules of Practice in Civil Cases, because: (a) the docket does not reflect that Movant served the Motion upon the non-party subpoena recipient, as is required by Federal Rule of Civil Procedure 45(d)(2)(B)(i); (b) Movant has not yet satisfied the meet-and-confer requirement pursuant to this Court’s Individual Rule 2.E; and (c) Movant has not raised this discovery dispute in accordance with Local Civil Rule 37.2. *See, e.g., Clinton Capital Corp. v. 357 W. 21st St. Assocs., Inc.*, No. 16-mc-353 (LAK) (BCM), 2021

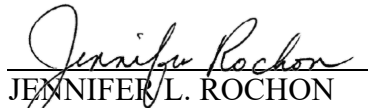
U.S. Dist. LEXIS 91560, at \*4 (S.D.N.Y. May 13, 2021) (denying motion to compel compliance with non-party subpoenas without prejudice to renewal “in compliance with the Federal Rules of Civil Procedure, the Local Civil Rules of the Southern District of New York, and [the court’s] individual practices”).

IT IS FURTHER ORDERED that Movant serve this Order with the appended Notice, Movant’s filings (ECF Nos. 1-5), this Court’s Individual Rules of Practice in Civil Cases (available here: <https://www.nysd.uscourts.gov/hon-jennifer-l-rochon>), and a copy of the docket sheet on Khan and Alipourian-Frascogna no later than **February 8, 2023** and file proof of service that same day.

Additionally, because it is not clear from the record whether Khan has an attorney, the Court is appending to this Order a “Notice For *Pro Se* Litigants” from the New York Legal Assistance Group’s Legal Clinic for Pro Se Litigants.

Dated: February 6, 2023  
New York, New York

SO ORDERED.

  
JENNIFER L. ROCHON  
United States District Judge

# **Notice For** **Pro Se Litigants**

**As a public health precaution, the New York Legal Assistance Group's Legal Clinic for Pro Se Litigants has temporarily suspended all in-person client meetings as of Tuesday, March 17, 2020.**

**Limited scope legal assistance will continue to be provided, but only by appointment and only over the phone. During this time, we cannot assist walk-in visitors to the clinic.**

**If you need the assistance of the clinic, please call 212-659-6190 and leave a message, including your telephone number, and someone will get back to you as soon as possible. If you do not leave a message with your telephone number, we cannot call you back.**

**Please be patient because our responses to your messages may be delayed while we transition to phone appointments.**

